

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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STUART FORCE individually and as personal
representative of the ESTATE OF TAYLOR FORCE,
et al.,

Case No. 1:20-cv-2578-BMC

Plaintiffs,

-against-

QATAR CHARITY; QATAR NATIONAL BANK and
MASRAF AL RAYAN,

Defendants.
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**DECLARATION OF JAMES P. BONNER
IN OPPOSITION TO DEFENDANTS' MOTIONS TO DISMISS**

James P. Bonner, an attorney duly licensed to practice law before the courts of New York, and this Court, hereby declares under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner of Fleischman Bonner & Rocco LLP, which is co-counsel to the Plaintiffs in the above-captioned action. I make this declaration in support of Plaintiffs' Opposition to the Motions to Dismiss filed on February 14, 2022 by Defendants Qatar Charity, Masraf Al Rayan, and Qatar National Bank. I make this declaration based upon my personal knowledge of the procedural history of this action and other actions my firm has brought on behalf of different plaintiffs alleging the same causes of action against the same three Defendants, and based upon my review of public records.

2. My firm represents the plaintiffs in *Henkin et al. v. Qatar Charity, Qatar National Bank and Masraf Al Rayan*, Case No. 1:21-cv-5716-AMD-VMS (the "*Henkin Case*") which is also pending in this District. A true and correct copy of the complaint that my firm filed in the *Henkin Case* on October 13, 2021 as ECF 1 is annexed hereto as **Exhibit 1**.

3. Annexed hereto as **Exhibit 2** is a true and correct copy of the text portion of a March 8, 2022 news article by Kevin Liptak, Phil Mattingly, Natasha Bertrand, M.J. Lee and Kylie Atwood titled *Biden Turns To Countries He Once Sought To Avoid To Find Help Shutting Off Russia's Oil Money* reported on CNN.com at <https://www.cnn.com/2022/03/08/politics/joe-biden-saudi-arabia-venezuela-iran-russia-oil/index.html>, which was last visited on March 22, 2022.

4. Annexed hereto as **Exhibit 3** is a true and correct copy of a portion of the Testimony of Matthew Epstein with Evan Kohlmann Before the House Committee on Financial Services Subcommittee on Oversight and Investigations, "Progress Since 9/11: The Effectiveness of U.S. Anti-Terrorist Financing Efforts," dated March 11, 2003, which is published on Lexis at *Progress Since 9/11: The Effectiveness of the U.S. Anti-Terrorist Financing Efforts, Hearing Before the H. Subcomm. on Oversight and Investigations*, 108th Cong. 129-34 (2003).

5. Annexed hereto as **Exhibit 4** is a true and correct copy of a July 19, 2021 article by Bill Steiger and Max Primorac titled *Opinion: USAID Must Protect the Integrity of its Humanitarian Aid Programs* published by Devex Newswire at <https://www.devex.com/news/opinion-usaid-must-protect-the-integrity-of-its-humanitarian-aid-programs-100366>, last visited on March 22, 2022.

6. Annexed hereto as **Exhibit 5** is a true and correct copy of a March 31, 2021 article by Teresa Welsh titled *GAO Report: USAID Partners Violated Antiterror Laws in West Bank, Gaza* published by Devex Newswire at <https://devex.com/news/gao-report-usaid-partners-violated-antiterror-laws-in-west-bank-gaza-99552>, last visited on March 22, 2022.

7. Annexed hereto as **Exhibit 6** is a true and correct copy of a March 2021 Report of the U.S. Government Accountability Office titled *WEST BANK AND GAZA AID: Should Funding Resume, Increased Oversight of Subawardee Compliance with USAID's Antiterrorism Policies*

and Procedures May Reduce Risks,” which is published on the official website of the U.S. Government Accountability Office at <https://www.gao.gov/assets/gao-21-332.pdf>, last visited on March 22, 2022.

8. Annexed hereto as **Exhibit 7** is a true and correct copy of the text of a July 4, 2021 article titled *UN Funds Millions to Palestinian Groups with Terror Ties - Im Tirtzu* published by The Jerusalem Post at <https://www.jpost.com/j-spot/zionist-watchdog-un-funds-millions-to-palestinian-groups-with-terror-ties-673753>, last visited on March 22, 2022.

9. Annexed hereto as **Exhibit 8** is a true and correct copy of a July 24, 2019 article by Beniamino Parenzo titled *How the United Nations Indirectly Funds Hamas*” published by the Jerusalem Institute of Justice at <https://ji.org/news/united-nations-funds-hamas/>, last visited on March 22, 2022.

10. This Court issued letters rogatory for service of process on all three defendants on September 17, 2020. Those letters rogatory were transmitted to the U.S. Department of State, together with the summonses and complaints in English and Arabic, for transmission to the U.S. Embassy in Doha, Qatar on September 28, 2020. On January 20, 2022, SeBryna T. Coffee at the Department of State advised my office that the letters rogatory for service on Qatar National Bank and Masraf al Rayan had been transmitted to the Qatar Ministry of Foreign Affairs in Doha, Qatar on December 20, 2021. We have not been able to obtain any further updates on the status of these letters rogatory.

11. In November 2021, we learned that Defendant Qatar Charity had moved from the address stated in the letters rogatory and, on the advice of the Jared Hess, Judicial Assistance Officer at the Department of State, we requested that the Court issue amended letters rogatory for service on Qatar Charity at its current address. These amended letters were issued on

December 7, 2021, and transmitted to the U.S. Department of State with the necessary copies of the summons and complaint in English and Arabic on December 17, 2021. On March 8, 2022, Mr. Hess notified my office that the U.S. Department of State had not yet been transmitted these letters rogatory to the U.S. Embassy in Doha.

12. Extensive research on Lexis Advance has revealed no decision in which a federal or state court has determined that Qatari law forbids service of process by a form of mail that requires a signed receipt.

13. Annexed hereto as **Exhibit 9** are the “country specific information pages” for Germany, Qatar, and Switzerland retrieved on March 21, 2022 from the U.S. Department of State’s database of Judicial Assistance Country Information at <https://travel.state.gov/content/travel/en/legal/Judicial-Assistance-Country-Information.html>.

14. Annexed hereto as **Exhibit 10** is the English language translation of Article 11 of the Qatar Civil and Commercial Procedure Law, Law No. 13 of 1990 retrieved from the Al Meezan Qatari Legal Portal at <https://almeezan.qa/LawArticles.aspz?LawArticleID=33083&LawID=2492&language=en>, last visited on March 22, 2022.

15. Annexed here to as **Exhibit 11** is a true and correct copy of an Amicus Brief filed on September 25, 2019 by the Institute of International Bankers, the European Banking Federation, and the French Banking Federation in the Second Circuit appeal *Strauss, et al. v. Crédit Lyonnais, S.A.*, Case Nos. 19-865(L) and 19-1285 (XAP).

16. Annexed hereto as **Exhibit 12** is a true and correct copy of a webpage from the Qatar Charity website at <https://www.qcharity.org/en/qa/qatar-charity-offices> which was downloaded on March 24, 2022. At page 5 of Exhibit 12, Qatar Charity reports total income in 2020 from donations and investments in the amount of 1,842,666,138 Qatari Riyals (QAR). At the

current exchange rate of 274.725275 USD for 1,000 QAR, Qatar Charity's 2020 income from donations and investments is worth \$506,226,961.50.

17. Annexed hereto as **Exhibit 13** is a true and correct copy of Qatar Charity's audited financial statements for the 12 months ended December 31, 2020, which were retrieved from Qatar Charity's website at <https://www.qcharity.org/en/qa/media/electronicbooks?type=74&view=FinancialTransparency> on March 24, 2022.

18. Annexed hereto as **Exhibit 14** is a true and correct copy of a document entitled "Qatar Commits USD 40 Million for UN Operations in Gaza," drafted by the U.S. Embassy in Doha, Qatar and sent to various embassies, U.S. governmental bodies, and U.N. bodies, which was retrieved from the WikiLeaks website at https://wikileaks.org/plusd/cables/09DOHA314_a.html on March 25, 2022.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 25, 2022.

/s/ James P. Bonner